

AMENDED IN ASSEMBLY MAY 1, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1560

Introduced by Assembly Member Scott

March 11, 1997

An act to ~~amend Section 8825 of~~ *add Section 8825.5 to* the Health and Safety Code, relating to cemeteries, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1560, as amended, Scott. Nonendowment care cemeteries: abandonment.

Existing law permits the governing board of a city or county under certain circumstances to declare by resolution the abandonment of a private cemetery within its jurisdiction as a place of future interment, if it finds that the cemetery threatens or endangers the public health, safety, comfort, or welfare. Existing law authorizes the board to remove copings, improvements, and embellishments that the board finds to be a threat or danger.

This bill would, ~~instead, require~~ *empower* the Department of Consumer Affairs to *petition the court for a conservatorship* to assume responsibility for maintaining nonendowment care cemeteries abandoned by resolution of a city or county, and would ~~authorize~~ *require* the department, *after 10 years from the date that the conservatorship has begun,* to remove the copings, improvements, and embellishments that the department finds to be a threat or

danger if the endorsement care fund does not meet the minimum funds required by law.

This bill would declare that it is to take effect immediately, as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 8825 of the Health and Safety~~
2 ~~Code is amended to read:~~

3 ~~8825. A city or county having a nonendowment care~~
4 ~~cemetery within its boundaries that threatens or~~
5 ~~endangers the health, safety, comfort or welfare of the~~
6 ~~public may, by resolution of its governing board, if not~~
7 ~~more than 10 human dead bodies have been interred~~
8 ~~therein for a period of five years immediately preceding~~
9 ~~the date of the resolution, declare the abandonment of~~
10 ~~the cemetery as a place of future interment. Thereafter~~
11 ~~the Department of Consumer Affairs shall assume~~
12 ~~responsibility for maintaining the abandoned cemetery.~~
13 ~~The department shall permit interment therein of any~~
14 ~~person who is an owner of a plot in the cemetery on the~~
15 ~~date of adoption of the resolution or who otherwise has a~~
16 ~~right of interment in the cemetery that is vested on the~~
17 ~~date of the resolution. The department may remove~~
18 ~~copings, improvements, and embellishments that the~~
19 ~~department finds to be a threat or danger to the health,~~
20 ~~safety, comfort, or welfare of the public.~~

21 *SECTION 1. Section 8825.5 is added to the Health and*
22 *Safety Code, to read:*

23 *8825.5. (a) The Department of Consumer Affairs*
24 *shall assume responsibility for a nonendowment care*
25 *cemetery when that department petitions the court and*
26 *the court grants the department conservatorship over the*
27 *cemetery.*

28 *(b) If, after 10 years from the date that the*
29 *conservatorship has begun, the endowment care fund*
30 *does not meet the minimum funds required by law, the*
31 *conservatorship shall be terminated and the Department*

1 *of Consumer Affairs shall directly maintain the cemetery*
2 *and remove copings, improvements, and embellishments*
3 *that the department finds to be a threat or danger to the*
4 *health, safety, comfort, or welfare of the public.*

5 *(c) For purposes of this section, “nonendowment care*
6 *cemetery” means only a cemetery that is regulated by the*
7 *state.*

8 SEC. 2. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or
10 safety within the meaning of Article IV of the
11 Constitution and shall go into immediate effect. The facts
12 constituting the necessity are:

13 In order to provide for the maintenance of abandoned
14 cemeteries it is necessary that this act take effect
15 immediately.

